



International Environmental
Law Research Centre

NARMADA BACHAO ANDOLAN (PETITIONER)
VS.
UNION OF INDIA AND ORS. (RESPONDENTS)

Supreme Court of India, Record of Proceedings,
I.A. Nos.18-22 & I.A. No. 23, 24 in Writ Petition (civil) No.328 of 2002

CASE NO. 328 OF 2002

ORDER OF 10 JULY 2006

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ORDER

In terms of the order dated 8th May, 2006, Mr.Gopal Subramaniam, learned Additional Solicitor General, has filed in Court the report of the Sardar Sarovar Project Relief and Rehabilitation Oversight Group under the chairmanship of Mr.V.K.Shunglu on the status of rehabilitation of the project affected families in Madhya Pradesh. An additional affidavit of the Commissioner - Projects, Ministry of Water Resources, Government of India, has also been filed. Learned Additional Solicitor General has also placed before us (in a sealed cover) the decision dated 8th July, 2006 taken by the Prime Minister on consideration of the said report which, inter alia, states that the said Oversight Group seems to have given a fairly accurate picture of the facts and circumstances as they obtained on the ground. It further states that while relief and rehabilitation measures are of primary importance, considering the fact that work on construction of the dam is going to be stopped by the State of Gujarat from 10th July on account of the onset of the monsoon and also the fact that the shortcomings in relief and rehabilitation work brought out in the report can be remedied by accelerated pace of implementation. It would not be appropriate, in the light of the material and observations contained in the report, to pass any direction or orders at this stage stopping the construction of the dam which is designed to serve larger public interest. The decision further states that the Government of Madhya Pradesh, however, shall be directed that relief and rehabilitation work must be accelerated during the period when there would be stoppage of work so that all the relief and rehabilitation sites can be brought at par with each other and that the same should be attempted to be completed before work on construction of the dam is resumed.

Mr. Ashok Desai, learned counsel appearing for the State of Gujarat, has placed before us the position of construction of the project as on 10th July, 2006 and submits that the construction has reached the height of 119 metres except in some spillway blocks. Learned counsel states that except completing the remaining construction in spillway blocks so as to make it level at 119 metres, further construction at this stage beyond 119 metres will not be carried out on account of the onset of monsoon. Though Mr.Shanti Bhushan, learned counsel submits that the construction in spillway blocks from block No.28 to block No.36 may not be permitted to be carried out, we find no reason to restrict the construction at this stage particularly when it is pointed out that non- construction in the remaining spillway blocks may endanger the safety of the construction already made.

Parties are permitted to file their responses to the report within three weeks and replies thereto may be filed within three weeks thereafter.

List these matters in the month of September, 2006.

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